

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

AMERICAN CIVIL LIBERTIES UNION )  
OF NORTHERN CALIFORNIA, )

Plaintiff, )

v. )

DEPARTMENT OF JUSTICE, )

Defendant. )

No. 12-CV-4008-MEJ

STIPULATION OF PARTIAL  
DISMISSAL WITH PREJUDICE

This action arises under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and pertains to a FOIA request that consists of four parts. *See* Compl. ¶ 21 (Dkt. No. 1). Part 1 of Plaintiff’s FOIA request sought “[a]ll requests, subpoenas, and applications for court orders or warrants seeking location information since January 1, 2008” (hereinafter, “Part 1”). *See id.* This case has proceeded on two tracks, with this Court entering an order on the parties’ cross-motions for summary judgment regarding Part 1 of Plaintiff’s FOIA request, *see* Dkt. No. 62 (09/30/2014), and a separate order on the parties’ cross-motions for summary judgment regarding Parts 2-4 of Plaintiff’s FOIA request, *see* Dkt. No. 61 (09/30/2014). The government has filed a Notice of Appeal of this Court’s Order regarding Parts 2-4 of Plaintiff’s FOIA request. *See* Notice of Appeal, Dkt. No. 66 (11/26/2014).

The parties have recently executed a Settlement Agreement that resolves all of Plaintiff’s claims regarding Part 1 of the FOIA request, as well as all of Plaintiff’s claims regarding attorney’s fees and costs in this litigation generally (regardless of the claims or proceedings to which those fees or costs may relate). Pursuant to that Settlement Agreement, defendant recently filed with the Court a declaration that discharges its obligation to process Part 1 of Plaintiff’s FOIA request. Accordingly, the parties hereby stipulate to the dismissal, with prejudice, of the following:

- All of Plaintiff's claims against defendant Department of Justice relating to Part 1 of Plaintiff's FOIA request.
- Any and all claims that Plaintiff may have for attorney's fees and costs in this litigation, regardless of the claims or proceedings to which those fees or costs may relate.

This stipulation of dismissal is not intended to, and does not, dismiss this entire action, as it does not affect the pending appeal to the United States Court of Appeals for the Ninth Circuit. That appeal, which relates to Parts 2-4 of the FOIA request, remains pending and is not dismissed herein.

WE ASK FOR THIS:

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/s/ Brad P. Rosenberg  
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*Attorneys for Defendant*

IT IS SO ORDERED that Plaintiff's claims regarding Part 1 of its FOIA request, as well as any and all claims for attorney's fees and costs in this litigation generally, shall be, and hereby are, DISMISSED WITH PREJUDICE.

  
\_\_\_\_\_  
MARIA-ELENA JAMES  
United States Magistrate Judge

\_\_\_\_\_  
August 21, 2015  
\_\_\_\_\_  
Date

ATTESTATION PURSUANT TO LOCAL RULE 5-1(i)(3)

I, Linda Lye, hereby attest, in accordance with Local Rule 5-1(i)(3), that the concurrence in the filing of this document has been obtained from the other signatory listed here.

Dated: August 20, 2015

/s/ Linda Lye  
Linda Lye